



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
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MICHAEL D. ANTONOVICH
Fifth District

March 5, 2010

To: All Department Heads

From: William T Fujioka
Chief Executive Officer

DISABILITY MANAGEMENT AND RETURN-TO-WORK SELF-ASSESSMENT TOOL

As indicated in the January 19, 2010 memorandum on this subject, departments must be performing disability management and return-to-work (RTW) self assessments utilizing the self-assessment tool (Phase II). This memorandum is in response to several issues departments have raised regarding the application of the self-assessment tool. In addition, specific guidelines and a reporting template are being provided to assist your staff in complying with the directives in the memorandum.

Disability Management and Return-to-Work Phase II Self-Assessment Tool

The purpose of the self-assessment tool is to identify weaknesses in the communication and timeliness of critical disability management events, as documented in a department's RTW file. To this end, the self-assessment tool evaluates 20 factors related to sound disability management practices, with an emphasis on documentation and RTW file maintenance. A compilation of information generated by the self assessments shall be used to identify weaknesses in a department's overall maintenance of RTW files and in individual RTW files. Though not intended as a pass/fail evaluation, the self assessments can be used to gauge improvement in the quality of a department's disability management program and RTW file maintenance.

Each Phase II Self-Assessment Tool should indicate it is a working document and is not to be maintained (the most recent version of the form is available at: <http://ceo.lacounty.gov/mpn/>). These self-assessment tools should not be placed in the RTW file. However, the plan of action page included in the self-assessment tool can be used to document actions that need to be performed and can become a part of the RTW file. The results from the self assessment should be compiled (see Data Compilation and Evaluation section below) and then the self-assessment tools should be disposed. Duplicates should not be made nor maintained. You should maintain a list of names for those files that have been evaluated, as a random sampling of these files will later be independently evaluated.

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Active Return-To-Work Files

Active RTW files relate to cases where the employee has not returned to work or is on a work hardening assignment, or where evidence exists that the employee will not be able to continue in his/her non-transitional (regular, modified, or alternate) assignment. An RTW file can be considered inactive when the employee has returned to a non-transitional regular, modified, or alternate work assignment, or the individual is no longer in County service.

Number of Return-To-Work Files to be Reviewed – Initial Self-Assessment

Each department will need to determine the number of RTW files to review during the initial self-assessment, based on the number of active RTW files. A minimum number of randomly selected files should be reviewed based on the department's number of active RTW files:

Active Return-To-Work Files	Sample Size
2-8	2
9-15	3
16-25	5
26-50	8
51-90	13
91-150	20
151-280	32
281-500	50
501-1,200	80
1,201 or more	125

Data Compilation and Evaluation

All data derived from the self-assessment tools shall be captured on a spreadsheet and used to evaluate strengths and weaknesses. As indicated, the self-assessment tool contains 20 ratable factors. Those factors are expressed as questions and answered by a "Yes" (Y on spreadsheet), "No" (N on spreadsheet), or "Not Applicable" (N/A on spreadsheet). The spreadsheet should not contain individual identifying information. Your department's RTW management team shall use the findings to develop strategies to improve disability management efforts and RTW file maintenance. A spreadsheet with pre-formatted formulas is available at: <http://ceo.lacounty.gov/mpn/> or can be requested by contacting your department's CEO RTW contact person.

All Department Heads
March 5, 2010
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Summary of Findings

A summary of findings that includes a total score based on the 20 ratable factors and your department's plan to improve identified weaknesses shall be submitted to the CEO Risk Management Branch by March 15, 2010. CEO staff expects a large variance in reported initial findings and acknowledges such findings should not be used to compare a department's disability management program against another department. Your department shall submit findings and an improvement plan using the attached reporting template to Steven E. NyBlom, Manager, CEO, to:

Steven E. NyBlom
Chief Executive Office
Risk Management Branch
3333 Wilshire Boulevard, Suite 820
Los Angeles, CA 90010

Phone: (213) 351-5346
Fax: (213) 252-0405
Email: snyblom@ceo.lacounty.gov

If you have any questions, please contact Ellen Sandt at (213) 974-1186 or esandt@ceo.lacounty.gov.

WTF:ES
SN:sg

Attachments



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WILLIAM T FUJIOKA
Chief Executive Officer

January 19, 2010

To: All Department Heads

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

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RETURN-TO-WORK CONCERNS AND GUIDELINES

Management of departmental return-to-work issues must be an important priority for all departments. During a recent project, several challenges were identified with respect to return-to-work issues. In a memorandum sent on October 28, 2009, you were given the Disability Management and Return-to-Work Self-Assessment Tool. Your use of this tool and your commitment to proactively manage return-to-work issues will positively impact your department's ability to provide services to your constituents.

Several issues have been identified that require your immediate attention.

Disability Management and Return-to-Work Self-Assessment Tool

As indicated in the October 28, 2009 memorandum, departments were instructed to initiate return-to-work assessments utilizing the self-assessment tool. Department self-assessments should be completed by March 1, 2010. A summary of findings should be reported to the Chief Executive Office (CEO) Risk Management Branch by March 15, 2010. Review of departmental submissions will commence on March 16, 2010. Specific guidelines and a reporting template will be provided under separate cover.

Return-to-Work File Management

Return-to-work files have not always been properly organized and maintained. All incoming mail must be sorted in a timely manner, placed in the proper files and acted on appropriately. This will ensure that decisions are made based on current information. Documentation should be filed in a chronological manner to allow for easy handling of the file and secured in the file. Immediate corrective action should be implemented to ensure that medical certifications are current, plans of action are in place, and diary systems are implemented to indicate when future action must be taken.

Medical Certifications

Each Department Head must ensure that proactive efforts are underway to manage medical certification expirations. If the employee's medical certification has expired, the department should contact the employee to obtain a current medical certification. This contact should

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typically be made by phone, by First Class mail (indicate on letter that this was sent by First Class mail), and by certified mail (indicate on letter how it was sent). Exceptions may apply but must be clearly documented in the file.

Where appropriate, the department should contact the employee to offer an interactive process meeting to discuss any reasonable accommodations that could be made.

Work Restrictions in CWTAPPS

Effective immediately, existing work restrictions, including whether they are permanent or temporary and their start and stop dates, must be entered in CWTAPPS on the Personal Data Screen. This will allow for better tracking of work restrictions for all employees.

Leave of Absence Without Pay (Non-Workers' Compensation Claims)

Under Civil Service Rule 16.02, Leaves of Absence Without Pay, each Department Head may grant a leave of absence from regular duties, without pay, for recovery from a prolonged illness or injury. This approval must be documented in the employee's return-to-work file. When the leave is for longer than twelve months, it must be approved by the Director of Personnel.

Each Department Head should evaluate such leaves of absence, and corresponding approvals, within the department. The Auditor-Controller is assessing the capability of developing a report to identify employees who are on leaves of absence without pay. If an employee has been on unpaid leave for twelve (12) weeks or more, and there is no associated workers' compensation claim (industrial accident [IA]) resulting in the leave, the department should offer to conduct an interactive process meeting with the employee to determine if the department can reasonably accommodate the employee in the future. The CEO and/or the Department of Human Resources (DHR) will monitor departmental approval of these leaves of absence.

The goal of the interactive process meeting is for the employee to return to work with or without reasonable accommodations. If an appropriate interactive meeting has been scheduled and the employee fails to meet or provide appropriate medical documentation for his/her absence from the meeting, the department should direct the employee to return to work when appropriate. If the employee does not report to work for three days, the department may commence implied resignation procedures under County Code Section 5.12.020. If the employee indicates he/she cannot return to work, other options including medical re-evaluations through the CEO, must be considered.

Workers' Compensation Claims

When employees are off work due to a workers' compensation claim (IA), the department has an obligation to regularly interact with the employee to determine if the employee can be reasonably accommodated to return-to-work. Such interaction, and offers to interact, must be documented in the employee's return-to-work file.

Updated Contact Information

At least, on an annual basis, such as in conjunction with the Performance Evaluation process, employees shall be asked to provide an updated address, telephone number, and the name and contact information for an emergency contact.

Resource Materials

A wide variety of resource materials are available on the CEO Return-to-Work website located at: http://ceo.lacounty.gov/RTW/rtw_default.htm. These materials include a return-to-work manual, a guide for reporting injuries, injury reporting forms, and interactive meeting procedures. Additional information, including templates for letters to be sent by departmental return-to-work coordinators to employees, medical clinics, etc. will be made available in the near future.

Training and Reviews

CEO Risk Management provides regular training on return-to-work issues. In addition, supplemental training is also available for your return-to-work staff, Departmental Human Resource Manager, Administrative Deputy and Chief Deputy to ensure that proper procedures are followed. Departments are requested to have all departmental return-to-work staff attend at least the basic CEO Risk Management training. Risk Management will provide further information on training dates and times.

CEO Risk Management Return-To-Work staff and DHR will commence random reviews of departmental return-to-work procedures. To prepare for your department's review, follow the guidelines referenced above as well as previous training materials provided during the CEO's Return-to-Work Seminars. The key to success in return-to-work cases is the exercise of due diligence, timely follow-up with the employee off work and proper documentation of the return-to-work activities.

If you have any questions regarding return-to-work practices or require assistance in managing your return-to-work caseloads, contact Steve NyBlom at (213) 351-5346. In addition, there are resource materials on risk management at http://ceo.lacounty.gov/RTW/rtw_default.htm.

Thank you for your assistance and cooperation in this important matter.

WTF:EFS
SN:ef

c: Each Supervisor

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FAIR EMPLOYMENT HOUSING ACT/AMERICANS WITH DISABILITIES AMENDMENT ACT
RETURN-TO-WORK ASSESSMENT TOOL
RETURN-TO-WORK FILE EVALUATION
PHASE II

DEPARTMENT NAME: _____ DATE: _____

EMPLOYEE NAME: _____ EMPLOYEE No.: _____

EVALUATOR NAME: _____

	COMMUNICATION	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the return-to-work (RTW) file reflect communication was made with the employee within the first week from the date of injury/illness, and if the employee was provided the RTW packet?				
2.	Does the RTW file reflect (at approximately the 30 th day of disability) contact was made with the employee?				
3.	Does the RTW file reflect (at approximately the 30 th day of disability) work restriction status was gathered from appropriate sources (physician, nurse case manager, workers' compensation third party administrator, etc.)?				
4.	If a work restriction was provided, was a light duty transitional assignment explored?				

FEHA/ADAA Return-to-Work Assessment
Phase II
Page 2

	Communication (Continued)	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
5.	Does the RTW file reflect (at approximately the 70 th day of disability) steps were taken to prepare for the interactive process meeting? Those steps include verifying the status of employee's disability status (P&S, TD, TPD, work restrictions, etc.), medical certification, employee's skills inventory, available work options, and communicating with the employee to determine reasonable accommodation needs.				
6.	Does the RTW file reflect (at approximately the 84 th day of disability) a good faith interactive process meeting has taken place or been scheduled?				
7.	Does the RTW file reflect (at approximately the 180 th day of disability) continued contact with the employee and supervisor to address obstacles preventing the employee from returning to work?				
8.	Does the RTW file reflect ongoing communication, intended to explore reasonable accommodations, is maintained with the employee and a long-term action plan is developed?				
9.	This reviewed RTW file relates to an employee having been on disability leave since _____ (date).				
10.	This reviewed RTW file reflects the department documented _____ (#) communications (or attempted communications) with the employee.				

This is a working document and not to be maintained

	DOCUMENTATION	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the return-to-work (RTW) file contain documentation demonstrating the department's attempt to obtain useful temporary work restrictions?				
2.	Does the RTW file contain documentation such as letters, memos, etc., to the employee requesting the exploration of a transitional work assignment?				
3.	Does the RTW file contain documentation demonstrating the department's attempt to obtain useful permanent work restrictions?				
4.	Does the RTW file contain documentation demonstrating the department's attempt to explore reasonable accommodations?				
5.	Does the RTW file contain documentation demonstrating the department's request to hold an interactive process meeting?				
6.	Does the RTW file contain documentation of all interactive process meetings and their outcomes?				

This is a working document and not to be maintained

	TIMELINESS	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the return-to-work (RTW) file reflect a timely attempt to find temporary modified or alternative work positions (transitional work assignment)?				
2.	Does the RTW file reflect timely communication with the treating physician or workers' compensation third party administrator to establish meaningful work restrictions?				
3.	Does the RTW file reflect reasonable accommodation issues are addressed in a timely manner?				
4.	Does the RTW file reflect preparation for the interactive process meeting is timely?				
5.	Does the RTW file reflect timely communication offering or scheduling an interactive process meeting?				
6.	Does the RTW file demonstrate ongoing good faith efforts to address reasonable accommodations are ongoing and timely?				

PLAN OF ACTION

This is a working document and not to be maintained

WHAT TO LOOK FOR IN RETURN-TO-WORK FILES

- If Workers' Compensation cases, report of accident, DWC-1, 5020, job description, copies of all forms sent to third party administrator (TPA).
- File notes – regarding telephone conversations with employee, supervisor, TPA adjuster, other TPAs such as Sedgwick (STD, LTD), counsel, supervisor, LACERA, etc. – anything that relates to what has occurred.
- Medical certifications – from personal physicians or information directly from TPA.
- Correspondence to and from the employee – letters, emails, etc.
- Weekly telephone call verification sheet.
- Work Hardening Agreement, if applicable.
- Work restrictions – temporary or permanent.
- Plan of Action.
- Copy of TPA file review notes (if one was completed).

SELF ASSESSMENT TOOL SUMMARY

COMBINED SCORE FOR (Y)	COMBINED SCORE (Y+N) (ALL FACTORS)	FINAL SCORE %
0	0	#DIV/0!

N/A = 0
Y = 1 (D+N)
N = 1 (D Only)

RETURN-TO-WORK SELF ASSESSMENT TOOL

[illegible]

[illegible]

CHIEF EXECUTIVE OFFICE – RISK MANAGEMENT BRANCH SELF-ASSESSMENT REPORTING TEMPLATE

DISABILITY MANAGEMENT AND RETURN-TO-WORK SELF-ASSESSMENT RESULTS

Date: _____ Department: _____

Current Inventory of RTW Active Files	Date Assessment of RTW Files was Completed	Number of RTW Files Evaluated Using the Phase II Self-Assessment	Total Score Based on the 20 Factors (Percentage)

Return-To-Work (RTW)

In an effort to improve the quality of the department's disability management/RTW processes and RTW file maintenance, the following steps will be implemented:

Step One	
Description	
Start Date	
Estimated Completion Date	

Step Two (If needed)	
Description	
Start Date	
Estimated Completion Date	

Step Three (If needed)	
Description	
Start Date	
Estimated Completion Date	

Chief Executive Office
Self-Assessment Reporting Template
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Step Four (If needed)	
Description	
Start Date	
Estimated Completion Date	

Form Provided By:	
Department Risk Management Coordinator (Signature)	
Print Name	
Phone Number	
Email address	

This form should be submitted to:

Steven E. NyBlom, Manager, CEO
Risk Management Branch
Chief Executive Office
3333 Wilshire Boulevard, Suite 820
Los Angeles, CA 90010

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Email: snyblom@ceo.lacounty.gov